

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                 |  |                   |                   |
|-----------------|--|-------------------|-------------------|
| Serial No.      | 10/664,715                                     | Confirmation No.: | 4404              |
| Applicant(s)    | Dimitrios Manoussakis                          | Examiner:         | P. Kathryn Wright |
| Filed:          | September 18, 2003                             | Docket:           | P-5808/1          |
| Group Art Unit: | 1743   | Customer No.:     | 26253             |
| Title:          | High Bias Gel Tube and Process For Making Tube |                   |                   |

The Commissioner of Patents  
OIPE Customer Service  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 CFR §1.181(a) FOR WITHDRAWAL OF**  
**ABANDONMENT**

Applicant respectfully petitions the Commissioner for Patents that the abandonment set forth in the notice mailed by the U.S. Patent and Trademark Office ("USPTO") on May 4, 2011 be withdrawn.

The Examiner proposes that the reason for abandonment was that no reply was received from the office letter mailed on April 29, 2010.

The USPTO Pair system (see pages 4 and 5) shows that a Notice of Appeal was filed October 29, 2010 together with the appropriate fee and a 3 month extension of time fee, (see pages 6 to 11) in response to the Final Office Action mailed April 29, 2010, in the above referenced application.

The Examiner should also note, that MPEP § 1205.01 (Time for Filing Appeal Brief) states:

37 CFR **41.37(a)** provides 2 months from the date of the notice of appeal for the appellant to file an appeal brief and the appeal brief fee set forth in 37 CFR **41.20(b)(2)**. .....

37 CFR **41.37(a)** does not permit the brief to be filed within the time allowed for reply to the action from which the appeal was taken even if such time is later. Once appellant timely files a notice of appeal in compliance with 37 CFR 41.31, the time period for reply set forth in the last Office action is tolled and is no longer relevant for the time period for filing an appeal brief. ....

This 2-month time period for a patent application may be extended under 37 CFR **1.136(a)**, and if 37 CFR **1.136(a)** is not available, under 37 CFR **1.136(b)** for extraordinary circumstances.

In the event that the appellant finds that he or she is unable to file a brief within the time period allotted by the rule, he or she may file a petition, with fee, to the Technology Center (TC), requesting additional time under **37 CFR 1.136(a)**. Additional time in excess of 5 months will not be granted unless extraordinary circumstances are involved under **37 CFR 1.136(b)**. The time extended is added to the calendar day of the original period, as opposed to being added to the day it would have been due when said last day is a Saturday, Sunday, or Federal holiday.

Therefore the statutory date for the filing of appellants' brief including the period for response of two months under 37 CFR 41.37(a) and an additional five months extension under 37 CFR 1.136(a) is May 29, 2011.

Applicants respectfully request that the Notice of Abandonment be withdrawn.

Applicants respectfully submit that no fee is due for this petition.

Nevertheless, Applicants hereby authorize the Commissioner to charge any fees due in connection with this Petition, and any other fees which may be required, or credit any overpayment due in connection with the present application to Deposit Account No. 02-1666.

In addition, acknowledgement of the active status of this application is respectfully requested.

Any questions concerning this application or response may be directed to the undersigned agent of applicants'.

Respectfully submitted,

/Mark Lindsey/

Mark Lindsey  
Registration No. 52,515  
Agent for Applicant(s)  
201 847 6262

Dated: May 13, 2011.

Becton, Dickinson and Company  
1 Becton Drive, MC110  
Franklin Lakes, New Jersey 07417-1880

Doc# 288131v1

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

### Bibliographic Data

| Mail Room Date | Document Code | Document Description  | Document Category  | Page Count |
|----------------|---------------|---|--------------------|------------|
| 05-04-2011     | ABN           | <b>Abandonment</b>  | <b>PROSECUTION</b> | <b>2</b>   |
| 12-02-2010     | AP.PRE.DEC    | Pre-Brief Appeal Conference decision  | PROSECUTION        | 2          |
| 10-29-2010     | AP.PRE.REQ    | Pre-Brief Conference request  | PROSECUTION        | 7          |
| 10-29-2010     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 2          |
| 10-29-2010     | N417          | EFS Acknowledgment Receipt  | PROSECUTION        | 2          |
| 10-29-2010     | N/AP          | Notice of Appeal Filed  | PROSECUTION        | 2          |
| 04-29-2010     | CTFR          | Final Rejection   | PROSECUTION        | 11         |
| 04-29-2010     | SRFW          | Search information including classification, databases and other search related notes | PROSECUTION        | 1          |
| 02-10-2010     | A...          | Amendment/Req. Reconsideration-After Non-Final Reject                                 | PROSECUTION        | 1          |
| 02-10-2010     | CLM           | Claims  | PROSECUTION        | 10         |
| 02-10-2010     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | PROSECUTION        | 6          |
| 02-10-2010     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 2          |
| 02-10-2010     | N417          | EFS Acknowledgment Receipt  | PROSECUTION        | 2          |
| 02-10-2010     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 1          |
| 08-10-2009     | CTNF          | Non-Final Rejection   | PROSECUTION        | 7          |
| 08-10-2009     | 892           | List of references cited by examiner  | PRIOR ART          | 1          |
| 08-10-2009     | FOR           | Foreign Reference   | PRIOR ART          | 14         |
| 08-10-2009     | SRFW          | Search information including classification, databases and other search related notes | PROSECUTION        | 1          |
| 07-27-2009     | AP.PRE.DEC    | Pre-Brief Appeal Conference decision  | PROSECUTION        | 2          |
| 06-29-2009     | AP.PRE.REQ    | Pre-Brief Conference request  | PROSECUTION        | 7          |
| 06-29-2009     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 2          |
| 06-29-2009     | N417          | EFS Acknowledgment Receipt  | PROSECUTION        | 2          |
| 06-29-2009     | N/AP          | Notice of Appeal Filed  | PROSECUTION        | 2          |
| 03-27-2009     | CTFR          | Final Rejection   | PROSECUTION        | 8          |
| 02-20-2009     | A...          | Amendment/Req. Reconsideration-After Non-Final Reject                                 | PROSECUTION        | 1          |
| 02-20-2009     | CLM           | Claims  | PROSECUTION        | 10         |
| 02-20-2009     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | PROSECUTION        | 4          |
| 02-20-2009     | N417          | EFS Acknowledgment Receipt  | PROSECUTION        | 2          |
| 02-20-2009     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 1          |
| 11-21-2008     | CTNF          | Non-Final Rejection   | PROSECUTION        | 9          |
| 11-21-2008     | SRFW          | Search information including classification, databases and other search related notes | PROSECUTION        | 1          |
| 11-21-2008     | SRNT          | Examiner's search strategy and results  | PROSECUTION        | 4          |
| 10-09-2008     | RCEX          | Request for Continued Examination (RCE)   | PROSECUTION        | 3          |
| 10-08-2008     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 2          |
| 10-08-2008     | N417          | EFS Acknowledgment Receipt  | PROSECUTION        | 3          |
| 10-08-2008     | AMSB          | Amendment Submitted/Entered with Filing of CPA/RCE                                    | PROSECUTION        | 1          |
| 10-08-2008     | CLM           | Claims  | PROSECUTION        | 10         |
| 10-08-2008     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | PROSECUTION        | 5          |
| 10-08-2008     | AF/D          | Rule 130, 131 or 132 Affidavits   | PROSECUTION        | 8          |
| 10-08-2008     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 1          |
| 04-10-2008     | CTFR          | Final Rejection   | PROSECUTION        | 13         |
| 04-10-2008     | SRFW          | Search information including classification, databases and other search related notes | PROSECUTION        | 1          |
| 04-10-2008     | FWCLM         | Index of Claims   | PROSECUTION        | 3          |
| 11-27-2007     | A...          | Amendment/Req. Reconsideration-After Non-Final Reject                                 | PROSECUTION        | 1          |
| 11-27-2007     | CLM           | Claims  | PROSECUTION        | 10         |
| 11-27-2007     | REM           | Applicant Arguments/Remarks Made in an Amendment                                      | PROSECUTION        | 5          |
| 11-27-2007     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 2          |
| 11-27-2007     | N417          | EFS Acknowledgment Receipt  | PROSECUTION        | 2          |
| 11-27-2007     | WFEE          | Fee Worksheet (PTO-875)   | PROSECUTION        | 1          |

|            |       |  |             |    |
|------------|-------|--|-------------|----|
| 11-07-2007 | EXIN  | Examiner Interview Summary Record (PTOL - 413)                   | PROSECUTION | 3  |
| 06-27-2007 | CTNF  | Non-Final Rejection  | PROSECUTION | 8  |
| 06-27-2007 | 1449  | List of References cited by applicant and considered by examiner | PRIOR ART   | 2  |
| 06-27-2007 | BIB   | Bibliographic Data Sheet   | PROSECUTION | 1  |
| 06-27-2007 | FWCLM | Index of Claims  | PROSECUTION | 3  |
| 06-14-2007 | SRNT  | Examiner's search strategy and results                           | PROSECUTION | 2  |
| 06-04-2007 | ELC.  | Response to Election / Restriction Filed                         | PROSECUTION | 3  |
| 06-04-2007 | WFEE  | Fee Worksheet (PTO-875)  | PROSECUTION | 2  |
| 06-04-2007 | N417  | EFS Acknowledgment Receipt                                       | PROSECUTION | 2  |
| 04-04-2007 | CTRS  | Requirement for Restriction/Election                             | PROSECUTION | 7  |
| 04-04-2007 | FWCLM | Index of Claims  | PROSECUTION | 3  |
| 04-04-2007 | BIB   | Bibliographic Data Sheet   | PROSECUTION | 1  |
| 04-07-2006 | SRNT  | Examiner's search strategy and results                           | PROSECUTION | 1  |
| 03-27-2006 | SRNT  | Examiner's search strategy and results                           | PROSECUTION | 3  |
| 03-15-2006 | SRNT  | Examiner's search strategy and results                           | PROSECUTION | 28 |
| 03-15-2006 | SRNT  | Examiner's search strategy and results                           | PROSECUTION | 1  |
| 07-21-2005 | IDS   | Information Disclosure Statement (IDS) Filed (SB/08)             | PROSECUTION | 3  |
| 07-21-2005 | NPL   | NPL Documents  | PRIOR ART   | 5  |
| 07-21-2005 | FOR   | Foreign Reference  | PRIOR ART   | 22 |
| 09-18-2003 | TRNA  | Transmittal of New Application                                   | PROSECUTION | 3  |
| 09-18-2003 | SPEC  | Specification  | PROSECUTION | 8  |
| 09-18-2003 | CLM   | Claims   | PROSECUTION | 11 |
| 09-18-2003 | ABST  | Abstract   | PROSECUTION | 1  |
| 09-18-2003 | DRW   | Drawings-only black and white line drawings                      | PROSECUTION | 8  |
| 09-18-2003 | OATH  | Oath or Declaration filed  | PROSECUTION | 4  |
| 09-18-2003 | IDS   | Information Disclosure Statement (IDS) Filed (SB/08)             | PROSECUTION | 1  |
| 09-18-2003 | WFEE  | Fee Worksheet (PTO-875)  | PROSECUTION | 1  |
| 09-18-2003 | WFEE  | Fee Worksheet (PTO-875)  | PROSECUTION | 1  |
| 09-18-2003 | WFEE  | Fee Worksheet (PTO-875)  | PROSECUTION | 1  |

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**Electronic Patent Application Fee Transmittal****Application Number:**

10664715

**Filing Date:**

18-Sep-2003

**Title of Invention:**

High bias gel tube and process for making tube

**First Named Inventor/Applicant Name:**

Dimitrios Manoussakis

**Filer:**

Mark Lindsey

**Attorney Docket Number:**

P-5808

Filed as Large Entity

**Utility under 35 USC 111(a) Filing Fees****Description****Fee Code****Quantity****Amount****Sub-Total in  
USD(\$)****Basic Filing:****Pages:****Claims:****Miscellaneous-Filing:****Petition:****Patent-Appeals-and-Interference:**

Notice of appeal

1401

1

540

540

**Post-Allowance-and-Post-Issuance:****Extension-of-Time:**

| Description                        | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------|----------|----------|--------|----------------------|
| Extension - 3 months with \$0 paid | 1253     | 1        | 1110   | 1110                 |
| Miscellaneous:                     |          |          |        |                      |
| <b>Total in USD (\$)</b>           |          |          |        | <b>1650</b>          |

## Electronic Acknowledgement Receipt

|                                      |  |
|--------------------------------------|--|
| EFS ID:                              | 8733853  |
| Application Number:                  | 10664715                                       |
| International Application Number:    |  |
| Confirmation Number:                 | 4404   |
| Title of Invention:                  | High bias gel tube and process for making tube |
| First Named Inventor/Applicant Name: | Dimitrios Marioussakis                         |
| Customer Number:                     | 26253  |
| Filer:                               | Mark Lindsey                                   |
| Filer Authorized By:                 |  |
| Attorney Docket Number:              | P-5808   |
| Receipt Date:                        | 29-OCT-2010                                    |
| Filing Date:                         | 18-SEP-2003                                    |
| Time Stamp:                          | 15:42:43                                       |
| Application Type:                    | Utility under 35 USC 111(a)                    |

### Payment information:

|  |                 |
|--|-----------------|
| Submitted with Payment                   | yes             |
| Payment Type                             | Deposit Account |
| Payment was successfully received in RAM | \$1650          |
| RAM confirmation Number                  | 2200            |
| Deposit Account                          | 021666          |
| Authorized User                          |                 |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)



Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

## File Listing:

| Document Number                     | Document Description         | File Name   | File Size(Bytes)/ Message Digest                                   | Multi Part /.zip | Pages (if appl.) |
|-------------------------------------|------------------------------|---|--|------------------|------------------|
| 1                                   | Notice of Appeal Filed       | P-5808_1_Notice_of_Appeal_in_response_to_FOA_dated_4-29-10_No275680-v1-.pdf                 | 257740<br><small>1c367603763c37705776b2756803246a000000</small>    | no               | 2                |
| <b>Warnings:</b>                    |                              |   |  |                  |                  |
| <b>Information:</b>                 |                              |   |  |                  |                  |
| 2                                   | Pre-Brief Conference request | P-5808_Request_for_Pre-Appeal_Brief_Review_in_response_to_FOA_dated_4-29-10_No275676-v1.pdf | 245158<br><small>41e34e32759e0d0f3c28c25442ee001e683e0000</small>  | no               | 2                |
| <b>Warnings:</b>                    |                              |   |  |                  |                  |
| <b>Information:</b>                 |                              |   |  |                  |                  |
| 3                                   | Pre-Brief Conference request | P-5808_1_Pres_for_PreAppeal_Brief_Reasons_for_Review_No275670-v1.pdf                        | 203787<br><small>74e4e30734e0c0702080e070e020e020e020e0000</small> | no               | 5                |
| <b>Warnings:</b>                    |                              |   |  |                  |                  |
| <b>Information:</b>                 |                              |   |  |                  |                  |
| 4                                   | Fee Worksheet (PTO-875)      | fee-info.pdf  | 31635<br><small>ee4111e172ab70e0f513d1e0e078ba34e0811c0000</small> | no               | 2                |
| <b>Warnings:</b>                    |                              |   |  |                  |                  |
| <b>Information:</b>                 |                              |   |  |                  |                  |
| <b>Total Files Size (in bytes):</b> |                              |   | 738320   |                  |                  |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCY/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

P-5808/1

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_In re Application of  
Dimitrios ManoussakisApplication Number  
10/664,715Filed  
September 18, 2003

For High bias gel tube and process for making tube

Art Unit  
1797Examiner  
Patricia Kathryn WrightApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 540

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is

\$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 021666
☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

/Mark Lindsey/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/06)

Signature

Mark Lindsey

Typed or printed name

☒ attorney or agent of record.
Registration number 52515

201-847-6262

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

October 29, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an international Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.